

EXHIBIT 5

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

MATTHEW PETERSON, SADIE FLODING,
COLIN STRUB, CARSON BRENDA, JODY
BARRY, TEISCHA BENSON, LYNNETTA
KLAM, and LORI DAVIES,

**CERTIFIED
TRANSCRIPT**

Plaintiffs,

vs.

Case No:
1:22-cv-00701 JLT-CDB

THOMSON INTERNATIONAL,
INCORPORATED, a California
corporation; DOES 1-10, INCLUSIVE;
and ROE ENTITIES 1-10, INCLUSIVE,

Defendants.

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VIDEOCONFERENCE DEPOSITION OF SADIE FLODING MERKEL

Taken remotely before LORI A. YOCK, CSR, RPR

Certified Shorthand Reporter No. 5801

State of California

Wednesday, January 17, 2024

1 REPORTED REMOTELY FROM CONTRA COSTA COUNTY, CALIFORNIA
2 WEDNESDAY, JANUARY 17, 2024, 10:00 a.m.

3

4 THE COURT REPORTER: Good morning. This is the
5 remote deposition of Sadie Floding Merkel in the matter
6 of Petersen, et al. vs. Thomson International
7 Incorporated, et al. This case is being heard in the
8 United States District Court, Eastern District of
9 California. The case number is 1:22-cv-00701 JLT-CDB.

10 Today's date is Wednesday, January 17, 2023,
11 and the time is 10:00 a.m. I am Lori Yock of
12 Emerick & Finch Certified Shorthand Reporters, 18 Crow
13 Canyon Court, Suite 125, San Ramon, California.

14 Would counsel please state your appearance and
15 whom you represent for the record.

16 MS. LIEN: Good morning. Lindsay Lien on
17 behalf of plaintiff, Sadie Merkel.

18 MS. CHEN: Good morning. Helen Chen on behalf
19 of Defendants, Thomson International, Inc.

20

21 SADIE FLODING MERKEL,
22 having been remotely sworn, testifies as follows:

23

24 //

25 //

1 A. Salmonella. Medical bills and pain and
2 suffering.

3 **Q. When did you have salmonella?**

4 A. July of 2020.

5 **Q. Could you describe the onset of the salmonella**
6 **symptoms?**

7 A. Yes. I was very sick and in excruciating pain.
8 I had -- my bowel movements were straight blood for two
9 weeks straight. I was extremely dehydrated. I lost
10 almost ten pounds in the two weeks. I was weak. I
11 would cry screaming on the toilet about every ten
12 minutes that I pooped straight blood -- nothing else but
13 blood.

14 **Q. When you say "nothing else but blood" --**

15 A. Correct.

16 **Q. -- are you saying that all that came out of bowel**
17 **movements were blood and nothing else?**

18 A. It was just liquid red blood and extremely,
19 extremely painful.

20 **Q. When was the first time you had those symptoms?**

21 A. I don't recall the exact dates.

22 **Q. What did you do when you have those symptoms?**

23 A. What do you mean what did I do? Can you give
24 me some more information on that?

25 **Q. I'm asking you what did you do? Did you seek**

1 **Q. Which town is urgent care located?**

2 A. Helena, Montana.

3 **Q. Did you see a doctor at the emergency room?**

4 A. Yes.

5 **Q. Do you remember the name of the doctor?**

6 A. No, I do not. I saw multiple people.

7 **Q. Could you describe for me what happened when you**
8 **checked into the emergency room?**

9 A. It was a very awful time. It was COVID. So I
10 had to be in there by myself. Everyone was in masks.
11 The doctors were in hazmat suits because they were not
12 sure what I was coming in with with my high fever and
13 high heart rate. Within -- sorry. Excuse me. Within a
14 few minutes of being there, I was sent in, I believe,
15 for a CAT scan.

16 They were not able to get an IV in my arm
17 because I was so dehydrated. So another nurse had to
18 come in with what they use for babies to finally get an
19 IV into me.

20 I was brought in a little tiny toilet, was not
21 allowed to leave the room -- the emergency room -- and
22 had to use that plastic toilet to go to the bathroom the
23 whole time I was there.

24 It was a very, very awful experience that was
25 heightened with COVID.

1 **Q. How high was the temperature?**

2 A. I do not know the exact amount that was
3 recorded at the hospital.

4 **Q. What was your heart rate?**

5 A. I do not know the exact heart rate that was
6 recorded.

7 **Q. Which area of your body was CT scanned?**

8 A. I do not know the exact area that was scanned.

9 **Q. How long did you stay in the hospital?**

10 A. I do not know the exact time, but it was a few
11 hours -- a couple hours, a few hours.

12 **Q. Did a doctor prescribe any tests other than the**
13 **CAT scan?**

14 A. I had blood work taken. I do not remember if
15 there were other tests taken during that time. And a
16 stool sample was later in the evening.

17 **Q. When did you take the stool sample?**

18 A. Later that evening. After the emergency room,
19 I was sent home with items to take the stool sample.

20 **Q. Did you take that sample?**

21 A. Yes, I took that sample.

22 **Q. Did a doctor prescribe any medications for you?**

23 A. I do not remember. At the emergency room --
24 the next day, I know I was prescribed antibiotics. But
25 during the time in the emergency room, I do not know if

1 I was given anything.

2 Q. Did you take any medication before you went to
3 urgent care?

4 A. I -- no. If anything, I would have just -- I
5 don't remember. I was taking Advil regularly for the
6 pain. So I may have had Advil in my system that day.

7 Q. What kind of antibiotics did the doctor prescribe
8 for you?

9 A. I do not know the name of the antibiotics.

10 Q. Did you take any of the antibiotics the doctor
11 prescribed for you?

12 A. Yes. I took all of them.

13 Q. For how many days?

14 A. I do not remember the exact dates that I was
15 prescribed for them.

16 Q. Did your symptoms clear up after you took the
17 antibiotics?

18 A. The major symptom did, yes.

19 Q. Could you describe how the symptoms cleared up?

20 A. I was not pooping blood anymore. My pain had
21 gone down a bit, but not fully. I did not have a
22 regular bowel movement for a few weeks after -- after
23 that still, but the blood was gone.

24 Q. So you had regular bowel movements a few weeks
25 after you took the antibiotics; is that correct?

1 A. It was the first -- not regular, no. But I
2 wasn't pooping blood. I had straight liquid after a few
3 weeks, and then it was just a little bit better.

4 **Q. When did you start to have regular bowel**
5 **movements?**

6 A. I don't have regular bowel movements.

7 **Q. What were your bowel movements like before you**
8 **had salmonella?**

9 A. I did have stomach issues before having
10 salmonella. I feel like the salmonella has created more
11 intense pain when that happens, but I am not seeking
12 specific treatment for that salmonella afterwards.

13 **Q. What kind of issues did you have before you had**
14 **salmonella?**

15 A. I had stomach pains sometimes. I went through
16 a bunch of -- I had like a colonoscopy, things like
17 that, looking into things a few years prior to the
18 salmonella. I had it very well under control at that
19 time, though, before the salmonella.

20 **Q. Did your stool test result ever come back?**

21 A. For the salmonella?

22 **Q. For the stool test you took after you were**
23 **released from the ER.**

24 A. Yes. You have it in my medical records.

25 **Q. I want you to testify what were the results of**

1 obviously in the medical records that were given.

2 Q. I'm asking your personal recollection. I'm not
3 asking you the exact date if you cannot remember. I'm
4 asking you which season.

5 A. It was summer or fall. I got sick at the
6 end -- mid to end of summer. I don't remember the exact
7 time, if it was August or September or July that I went
8 to see my doctor.

9 Q. The first time you went to see Dr. Nowak after
10 your salmonella treatment, what did doctor say to you?

11 A. I do not recall our conversation. It was three
12 years ago.

13 Q. What kind of treatment did the doctor provide for
14 you?

15 A. She provided counsel feedback. There was no
16 further testing or anything like that.

17 Q. Had your conditions resolved by the time you went
18 to see Dr. Nowak?

19 A. The blood and extreme pain had resolved at that
20 point. Like I said, I still don't have full normal
21 bowel movements.

22 Q. Did Dr. Nowak prescribe any medications for you?

23 A. Not that I recall.

24 Q. Did Dr. Nowak provide any treatment for you?

25 A. Like I just said, she provided some feedback

1 and counsel. No further treatment for the salmonella.

2 Q. What kind of counseling did Dr. Nowak provide to
3 you?

4 A. She asked me if I wanted to go through further
5 treatment, the colonoscopy, everything again. I did not
6 want to go through all of that again. She asked if I
7 wanted to go back on the pain med I was on prior to
8 getting salmonella. I am not a huge fan of being on
9 pain meds. So I declined. And I declined going through
10 a colonoscopy and all of that again. I do what I can to
11 get through day to day with what I deal with with
12 stomach pains and bowel movements.

13 Q. What pain medication were you taking --

14 A. I do not remember.

15 Q. -- before you got salmonella?

16 A. I do not remember the name.

17 Q. Please wait until my question is finished. Do
18 not talk over me.

19 A. Sorry.

20 Q. When was the last time you had colonoscopy before
21 you had salmonella?

22 A. I do not remember the exact date.

23 Q. Was it in the same year of 2020?

24 A. No.

25 Q. The year before?

1 day now?

2 A. I have diarrhea often. Almost every bowel
3 movement I have is diarrhea.

4 Q. What's the frequency of the diarrhea every day?

5 A. I'm sorry. What was that?

6 Q. What's the frequency of the diarrhea?

7 A. Of course every day is different. But
8 90 percent of my bowel movements are diarrhea, not a
9 solid stool.

10 Q. How many bowel movements do you have every day?

11 A. It varies day to day. I sometimes don't have
12 any; sometimes have four. I do not have an exact answer
13 for you there.

14 Q. What were your bowel movements like before July
15 2020?

16 A. That was a long time ago. So I do not remember
17 what my bowel movements were like before 2020.

18 Q. Had you sought treatment for diarrhea before July
19 of 2020?

20 A. I do not believe so. It was mostly for
21 constipation, upset stomach. But, again, it was a very
22 long time ago. I do not remember exactly every symptom
23 I was feeling before 2020.

24 Q. Did you have irritable bowel before July 2020?

25 A. I believe so, yes.

1 an informal phone call from a friend trying to help me
2 feel better before my wedding.

3 **Q. And that was in the summer of 2023?**

4 A. Like I said, I don't remember the exact time
5 that I had this phone call with her and started these
6 supplements. I could look back and find that exact date
7 for you when this is finished, but I was seeking help
8 for my wedding so I wasn't in the bathroom on my wedding
9 night.

10 **Q. Was the wedding in Montana or in Minneapolis?**

11 A. Montana.

12 **Q. Did you work with any medical providers in the
13 clinic on the border of Wisconsin and Minnesota?**

14 A. I had an informal phone call with Alexandra
15 Oborsky. Like I just told you, that is the only person
16 I talked to or worked with from that clinic, other than
17 to pay for supplements.

18 **Q. Isn't it true that you have no medical records
19 with this clinic?**

20 A. Yes. I have a credit card receipt. Like I
21 said, it was an informal phone call with a friend trying
22 to help me out.

23 **Q. You have a credit card receipt of your informal
24 phone call with your friend?**

25 A. For purchasing supplements , yes.

1 diarrhea symptoms related to salmonella resolved?

2 MS. LIEN: Objection; foundation. Go ahead,
3 Sadie.

4 THE WITNESS: I have -- like I said earlier, I
5 do not have normal bowel movements. I haven't in the
6 last couple years. My major symptoms from salmonella,
7 obviously the blood and everything, were subsided from
8 the antibiotics, but I don't have regular bowel
9 movements.

10 BY MS. CHEN:

11 **Q. As you sit here today, do you still have blood in**
12 **your bowel movements?**

13 A. No.

14 **Q. As you sit here today, have your abdominal pain**
15 **symptoms related to salmonella resolved?**

16 A. The symptoms I felt during those two weeks,
17 yes.

18 **Q. As you sit here today, are there any symptoms**
19 **related to salmonella that have not resolved?**

20 A. Like I said, I do not have normal bowel
21 movements. I am not seeking further treatment for this,
22 other than supplements, things like that. I opted out
23 of going through further testing. I'm busy. I just do
24 what I do to get through a day. So my bowel movements
25 are not normal, no.

1 EXAMINATION

2 BY MS. LIEN:

3 Q. I have a couple just to clarify things, Sadie.

4 A. Okay.

5 Q. You testified that you were still feeling rather
6 ill for a few weeks after you went to the ER. Is that
7 accurate?

8 A. Yes. I had pain and obviously runny bowel
9 movements, but my extreme symptoms of that excruciating
10 pain and blood were gone after I finished the
11 antibiotics.

12 Q. And you also had testified that you are not
13 exactly sure on some of those timelines; right?

14 A. Yeah. I really needed to look at the time --
15 I'm a visual person. I apologize for that.

16 Q. No apology necessary. If I told you that the
17 date on the fee agreement that we had at OFT Law was
18 August 24th of 2020, do you have any reason to believe you
19 hired me any earlier than that date?

20 A. Oh, no.

21 Q. Have I ever rendered you any health care?

22 A. No. That was really confusing for me.

23 Q. You have no sense that I am an LPN in Montana;
24 correct?

25 A. No. No.

1 resolved?

2 **Q. Yes.**

3 A. Yeah, I could look at the calendar, and I
4 would just need like time stamps of the emergency room
5 versus -- I was on antibiotics for I think seven or ten
6 days. So it was about seven or ten days after my
7 emergency room visit, the blood and excruciating pain,
8 that was gone there. I was still tender in my lower
9 abdominal region for a time after that.

10 **Q. Do you have a calendar with you right now?**

11 A. I could bring a calendar up on my computer,
12 yes.

13 **Q. Is this on the computer that you are having Zoom**
14 **with?**

15 A. Yes. I could turn back on my phone. I could
16 use that calendar. But I do not have another calendar.

17 **Q. Yeah, why don't you just look at a calendar and**
18 **tell me.**

19 A. Can I turn back on my phone to do so?

20 **Q. You can turn back on your phone, yes.**

21 A. Could I have the record brought up of the day
22 that the emergency room visit was, please?

23 **Q. Yes, you can. You can share the screen with us.**

24 A. Okay. I'll have to find it. I was asking if
25 you could show it because you had it earlier.